

LEGISLATURE OF NEBRASKA

ONE HUNDRED FIRST LEGISLATURE

FIRST SESSION

LEGISLATIVE BILL 13

Introduced by White, 8.

Read first time January 8, 2009

Committee: Revenue

A BILL

1 FOR AN ACT relating to the Property Tax Credit Act; to amend
2 sections 77-4209, 77-4210, 77-4211, and 77-4212, Revised
3 Statutes Cumulative Supplement, 2008; to rename the act;
4 to change the property tax credit; to provide property
5 tax relief; to create a fund; to harmonize provisions;
6 to repeal the original sections; and to declare an
7 emergency.

8 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 77-4209, Revised Statutes Cumulative
2 Supplement, 2008, is amended to read:

3 77-4209 Sections 77-4209 to 77-4212 and section 3 of this
4 act shall be known and may be cited as the Property Tax Credit
5 Relief Act.

6 Sec. 2. Section 77-4210, Revised Statutes Cumulative
7 Supplement, 2008, is amended to read:

8 77-4210 The purpose of the Property Tax Credit Relief Act
9 is to provide property tax relief for property taxes levied against
10 homesteads, real property. ~~The property tax relief will be made to~~
11 ~~owners of real property in the form of a property tax credit.~~

12 Sec. 3. For purposes of the Property Tax Relief Act,
13 homestead has the same meaning as in section 77-3502.

14 Sec. 4. Section 77-4211, Revised Statutes Cumulative
15 Supplement, 2008, is amended to read:

16 77-4211 The Property Tax Credit Cash Fund is created.
17 The fund shall only be used pursuant to the Property Tax Credit
18 Relief Act. Any money in the fund available for investment shall be
19 invested by the state investment officer pursuant to the Nebraska
20 Capital Expansion Act and the Nebraska State Funds Investment Act.

21 The Property Tax Relief Cash Fund is created. Any money
22 in the fund available for investment shall be invested by the state
23 investment officer pursuant to the Nebraska Capital Expansion Act
24 and the Nebraska State Funds Investment Act.

25 Sec. 5. Section 77-4212, Revised Statutes Cumulative

1 Supplement, 2008, is amended to read:

2 77-4212 (1) ~~For tax year 2007, the amount of relief~~
3 ~~granted under the Property Tax Credit Act shall be one hundred~~
4 ~~five million dollars.~~ For tax year years 2008, 2009, and 2010, the
5 amount of relief granted under the act Property Tax Relief Act
6 shall be one hundred fifteen million dollars. It is the intent of
7 the Legislature to fund the Property Tax ~~Credit~~ Relief Act for tax
8 years after tax year ~~2008~~ 2010 using available revenue. ~~The~~ For tax
9 year 2008, the relief shall be in the form of a property tax credit
10 which appears on the property tax statement. For tax years after
11 2008, the relief shall be in the form of a homestead exemption.

12 (2) ~~To~~ For tax year 2008, to determine the amount of the
13 property tax credit, the county treasurer shall multiply the amount
14 disbursed to the county under subsection (4) of this section by the
15 ratio of the real property valuation of the parcel to the total
16 real property valuation in the county. The amount determined shall
17 be the property tax credit for the property.

18 (3) ~~If~~ For tax year 2008, if the real property owner
19 qualifies for a homestead exemption under sections 77-3501 to
20 77-3529, the owner shall also be qualified for the relief provided
21 in the act to the extent of any remaining liability after
22 calculation of the relief provided by the homestead exemption.
23 If the credit results in a property tax liability on the homestead
24 that is less than zero, the amount of the credit which cannot
25 be used by the taxpayer shall be returned to the State Treasurer

1 by July 1 of the year the amount disbursed to the county was
2 disbursed. The State Treasurer shall immediately credit any funds
3 returned under this section to the Property Tax Credit Cash Fund.

4 (4) The For tax year 2008, the amount disbursed to each
5 county shall be equal to the amount available for disbursement
6 determined under subsection (1) of this section multiplied by the
7 ratio of the real property valuation in the county to the real
8 property valuation in the state. By September 15, the Property Tax
9 Administrator shall determine the amount to be disbursed under this
10 subsection to each county and certify such amounts to the State
11 Treasurer and to each county. The disbursements to the counties
12 shall occur in two equal payments, the first on or before January
13 31 and the second on or before April 1. After retaining one percent
14 of the receipts for costs, the county treasurer shall allocate the
15 remaining receipts to each taxing unit levying taxes on taxable
16 property in the tax district in which the real property is located
17 in the same proportion that the levy of such taxing unit bears to
18 the total levy on taxable property of all the taxing units in the
19 tax district in which the real property is located.

20 (5) For tax years 2009 and 2010, all homesteads in this
21 state shall be assessed for taxation the same as other property,
22 except that there shall be exempt from taxation of homesteads
23 an amount equal to thirteen thousand dollars. For tax year 2009,
24 an owner shall file an application for the homestead exemption
25 provided in this subsection pursuant to section 77-3512. For

1 tax year 2010 and subsequent tax years, if an owner has been
2 granted the homestead exemption, no reapplication need be filed for
3 succeeding years, in which case the county assessor shall determine
4 whether the claimant qualifies for the homestead exemption in
5 such succeeding years as though a claim were made. The provisions
6 of sections 77-3501 to 77-3529 apply to the homestead exemption.
7 Reimbursement to counties under section 77-3523 for the homestead
8 exemption shall be made from the Property Tax Relief Cash Fund.

9 ~~(5)~~ (6) The State Treasurer shall transfer from the
10 General Fund to the Property Tax Credit Cash Fund one hundred five
11 million dollars by August 1, 2007, and one hundred fifteen million
12 dollars by August 1, 2008. The State Treasurer shall transfer from
13 the General Fund to the Property Tax Relief Cash Fund one hundred
14 fifteen million dollars by August 1, 2009, and one hundred fifteen
15 million dollars by August 1, 2010.

16 ~~(6)~~ (7) The Legislature shall have the power to transfer
17 funds from the Property Tax Credit Cash Fund and the Property Tax
18 Relief Cash Fund to the General Fund.

19 Sec. 6. Original sections 77-4209, 77-4210, 77-4211,
20 and 77-4212, Revised Statutes Cumulative Supplement, 2008, are
21 repealed.

22 Sec. 7. Since an emergency exists, this act takes effect
23 when passed and approved according to law.